IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2644 OF 2007

Shri Maheshkumar Mohansingh
Pardeshi ..Petitioner

Vs.

The State of Maharashtra and ors. ..Respondents

Mr. M.S. Karnik for petitioner.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 10, 2007.

P.C.:

1. Heard Mr. Karnik the learned counsel for the applicant who is an accused in C.C. No. 612 of 2006 presently pending before the learned Chief Judicial Magistrate at Nashik. The said complaint has been initiated under Sections 10(1)(2), 11(1)(2) of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 read with Sections 468 and 193

of IPC.

2. Mr. Karnik the learned counsel for the applicant submits that though the applicant claims that he belongs to Bhamta Paredshi (Vimukta Jatis) caste has been invalidated by the Scrutiny Committee on 19/9/2005. The said order is under challenge in Writ Petition No. 8022 of 2005 which has been admitted and the operation of the order passed by the Scrutiny Committee has been stayed by the Division Bench of this court on 13/12/2005. Mr. Karnik, therefore, submitted that when the operation of the order passed by the Scrutiny Committee itself has been stayed, there is no reason why the prosecution against the applicant should be continued.

3. It is directed that if the applicant submits an application before the learned Chief Judicial Magistrate at Nashik in C.R. No.612 of 2006, praying for stay to the proceedings awaiting the final decision in Writ Petition No. 8022 of 2005 within a period of two weeks from today, the said application shall be heard and decided within four weeks therefrom

and in the light of the order passed by the Division Bench of this court in Writ Petition No. 8022 of 2005 on 13/12/2005.

4. The application is disposed off in terms of the above directions. Writ to go to the trial court forthwith.

(B.H. Marlapalle,J.)